

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Willie Young, # 285487,)	C/A NO. 6:07-2893-CMC-WMC
)	
Petitioner,)	
)	OPINION and ORDER
v.)	
)	
Stan Burt, Warden, Lieber Correctional)	
Institution,)	
)	
Respondent.)	
_____)	

This matter is before the court on Plaintiff's *pro se* application for writ of habeas corpus, filed in this court pursuant to 28 U.S.C. § 2254.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(c), DSC, this matter was referred to United States Magistrate Judge William M. Catoe for pre-trial proceedings and a Report and Recommendation ("Report"). On August 1, 2008, the Magistrate Judge issued a Report recommending that Respondent's motion for summary judgment be granted and this matter dismissed with prejudice. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Petitioner filed a motion to amend his petition on September 4, 2008, and objections on September 8, 2008.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by

the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

Petitioner addresses his objections to the Report's findings as to Grounds Two and Five. Petitioner's objections offer no basis to overcome the findings of the Magistrate Judge in his Report. Therefore, the court adopts the Report of the Magistrate Judge. Respondent's motion for summary judgment is **granted** and this Petition is dismissed with prejudice.

Petitioner's motion to amend his petition is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 16, 2008

C:\Documents and Settings\msd16\Local Settings\Temp\notes6030C8\07-2893 Young v. Burt adopt rr gr sumjgm.wpd